

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

OLIVIA Y., et al	)	
	)	
Plaintiffs	)	
	)	
v.	)	CIVIL ACTION NO. 3:04cv251-DCB-FKB
	)	
TATE REEVES, as Governor of	)	
the State of Mississippi, et al.	)	
	)	
Defendants	)	

**DEFENDANTS’ THIRD NOTICE OF THE IMPACT OF THE NOVEL CORONAVIRUS  
(COVID-19) ON DEFENDANTS’ OBLIGATIONS UNDER THE  
2<sup>ND</sup> MODIFIED MISSISSIPPI SETTLEMENT AGREEMENT AND REFORM PLAN**

**TO: ALL COUNSEL OF RECORD  
PUBLIC CATALYST GROUP, COURT-APPOINTED MONITOR**

Defendants provide this Third Notice of the Impact of the Novel Coronavirus (COVID-19) on Defendants’ Obligations Under the 2<sup>nd</sup> Modified Mississippi Settlement Agreement and Reform Plan (“2<sup>nd</sup> MSA”) – (“Third Notice of Impact”).

1. On March 18, 2020, Defendants filed their first Notice of the Impact of the Novel Coronavirus (“First Notice of Impact”). As set forth in the First Notice of Impact, the obligations of the Mississippi Department of Child Protection Services (“MDCPS”) under the 2<sup>nd</sup> MSA have been, and will continue to be, impacted by the ongoing global pandemic related to COVID-19. The First Notice of Impact outlines the steps taken by MDCPS, up through its filing, in response to the national and state emergency brought about by the COVID-19 global pandemic.

2. On March 26, 2020, Defendants filed their first Second Notice of the Impact of the Novel Coronavirus (“Second Notice of Impact”). The Second Notice of Impact outlines the steps

taken by MDCPS, from March 18 up through its filing, in response to the national and state emergency brought about by the COVID-19 global pandemic.

3. MDCPS has implemented several policies and procedures to protect the children in its custody and associated families as well as its staff and employees in response to the COVID-19 global pandemic. The policies and steps taken by MDCPS are based on the guidance being promulgated, revised, and updated by the Mississippi State Department of Health (“MSDH”), the Centers for Disease Control and Prevention (“CDC”), the World Health Organization (“WHO”), the Children’s Bureau, an Office of the Administration for Children & Families of the U.S. Department of Health & Human Services (“Children’s Bureau”), and other authorities.

4. On April 1, 2020, Defendants provided the Monitor and Plaintiffs with an Update to the Notice of Impact. *See* Exhibit A: April 1, 2020 Second Update to Defendants’ Notice of the Impact of COVID-19. On April 22, 2020, Defendants provided the Monitor and Plaintiffs with another Update to the Notice of Impact. *See* Exhibit B: April 22, 2020 Third Update to Defendants’ Notice of the Impact of COVID-19. These Updates include COVID-19 related guidelines which MDCPS has issued since March 26, 2020.

5. Because of the ever-changing and fluid nature of the COVID-19 pandemic, MDCPS anticipates it will promulgate additional COVID-19 guidelines to reflect additional guidance from MSDH, WHO, CDC, the Children’s Bureau, or other authorities. Defendants will, as they have from the outset of the COVID-19 pandemic, continue to provide these guidelines to the Monitor and Plaintiffs throughout the COVID-19 national emergency and will continue to provide constitutionally required care to all children in the *Olivia Y.* class.

RESPECTFULLY SUBMITTED, this the 29th day of April, 2020.

TATE REEVES, as Governor of the State of Mississippi, TAYLOR CHEESEMEN, as Acting Interim Commissioner, Mississippi Department of Child Protection Services, and TONYA ROGILLIO, as Deputy Commissioner of Child Welfare, Mississippi Department of Child Protection Services

By: /s/ Clint Pentecost

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